

RESOLUTION NO. 20110728-035

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Harris Branch Master Association, Inc.

Project: Harris Branch Interceptor Lower A Project

Public Purpose: the permanent wastewater line easement described in the attached Exhibit "A" is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances, for

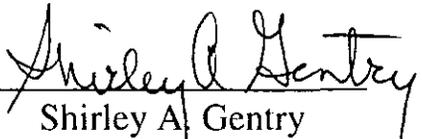
the purpose of providing sanitary sewer services to the public.

Location: (No physical address)
East side of Harris Branch Parkway, 0.4 mile south of
Parmer Lane in the City of Austin, Travis County, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: July 28, 2011

ATTEST:


Shirley A. Gentry
City Clerk

Field Notes for 4661.02WE

BEING 0.441 OF ONE ACRE OF LAND (19,208 S.F.), MORE OR LESS, OUT OF AND A PART OF THE LUCAS MUNOS SURVEY NO. 55, ABSTRACT NO. 513, IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THE 16.043 ACRE TRACT OF LAND CONVEYED TO HARRIS BRANCH MASTER ASSOCIATION, LTD., BY SPECIAL WARRANTY DEED EXECUTED ON MARCH 17, 2006, FILED FOR RECORD ON MARCH 30, 2006 RECORDED IN DOCUMENT 2006057009 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.441 OF ONE ACRE OF LAND (19,208 S.F.) BEING HEREINAFTER DESIGNATED AS PART 1 AND PART 2, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

Part 1

COMMENCING at a 1/2 inch iron rod with cap marked Chaparral found in the northwesterly line of the 26.46 acre tract conveyed to Christopher S. Chenault and wife Sara S. Chenault by deed recorded in Volume 5677, Page 1830 of the Deed Records of Travis County, Texas at the most easterly corner of Lot 68B, Speyside Section Two recorded in Document 200100171 of the Official Public Records of Travis County, Texas and the most southerly corner of Lot 67 of said Speyside Section Two, thence as follows;

South 28°10'31" West, with a southeasterly line of said Lot 68B and the northwesterly line of said 26.46 acre Chenault tract, at a distance of 570.18 feet, passing a calculated point at a corner of said Lot 68B and the most easterly corner of said 16.043 acre Harris Branch Master Association, Ltd. tract, in all, a distance of 867.27 feet, to a calculated point, for the Point of Beginning and most easterly corner of the herein described tract of land having Texas State Plane (Texas Central Zone (4203), NAD 83, U. S. Feet, Combined Scale Factor of 0.9999216) values of N=10105055.19, E=3155761.27;

1) THENCE, South 28°10'31" West, a distance of 93.77 feet, with a southeasterly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and the northwesterly line of said 26.46 acre Chenault tract to a calculated point for a corner, from which, a calculated point at a corner of said 16.043 acre Harris Branch Master Association, Ltd. tract and a corner of the remainder of the 1220.210 tract of land conveyed to Austin HB Residential Properties, Ltd. recorded in Volume 12731, Page 1051 of the Real Property Records of Travis County, Texas bears South 28°10'31" West, a distance of 16.56 feet, said calculated corner for said 16.043 acre Harris Branch Master Association being North 28°10'31" East, a distance of 474.50 feet from a concrete monument found at a corner of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and the most westerly corner of said 26.46 acre Chenault tract;

2) THENCE, South 59°08'31" West, a distance of 147.98 feet, leaving a southeasterly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and the northwesterly line of said 26.46 acre Chenault tract, crossing said 16.043 acre Harris Branch Master Association, Ltd. tract to a calculated point in a southeasterly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and in a northwesterly line of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract for a corner;

3) THENCE, South 74°32'56" West, a distance of 1.49 feet, with a southeasterly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and a northwesterly line of said 1220.210 acre Austin HB Residential Properties, Ltd.

tract, to a calculated point for a southerly corner of the herein described tract of land;

4) THENCE, South 87°28'03" West, a distance of 84.57 feet, to a calculated point for an angle point;

5) THENCE, North 88°12'35" West, a distance of 17.57 feet, to a calculated point for the most westerly corner of the herein described tract of land, from which, a 1/2 inch iron rod with cap marked Chaparral found at a corner of said 16.043 acre Harris Branch Master Association, Ltd. tract and a corner of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract bears North 88°12'35" West, a distance of 27.50 feet, North 12°15'39" West, a distance of 40.69 feet, North 54°00'39" West, a distance of 52.16 feet, North 55°55'50" West, a distance of 33.43 feet, North 58°20'31" West, a distance of 97.59 feet, North 50°06'58" West, a distance of 110.78 feet, North 55°58'08" West, a distance of 91.10 feet, North 51°24'16" West, a distance of 82.48 feet, North 46°56'44" West, a distance of 92.70 feet, North 49°33'46" West, a distance of 83.64 feet, North 48°15'52" West, a distance of 70.83 feet, North 57°59'16" West, a distance of 51.12 feet, North 77°46'39" West, a distance of 75.73 feet, South 87°06'94" West, a distance of 67.94 feet, South 88°51'27" West, a distance of 71.15 feet, North 32°50'00" West, a distance of 111.06 feet, and North 32°17'33" West, a distance of 192.24 feet;

6) THENCE, North 59°08'31" East, a distance of 315.85 feet, leaving a southerly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and a northerly line of said 1220.210 acre Austin HB Residential Properties, Ltd. tract and crossing said 16.043 acre Harris Branch Master Association, Ltd. tract, to a calculated point for a northerly corner of the herein described tract of land;

7) THENCE, North 87°49'23" East, a distance of 3.65 feet, to the Point of Beginning and containing an area of 0.271 of one acre of land (11,823 s.f.), more or less.

Part 2

COMMENCING at a 1/2 inch iron rod with cap marked Chaparral found in the southeasterly right-of-way line of Harris Branch Parkway (130' R.O.W.) at the most westerly corner of said 16.043 acre Harris Branch Master Association, Ltd. tract and the most northerly corner of the southerly remainder of the 1220.21 acre tract conveyed to Austin HB Residential Properties, Ltd. recorded in Volume 12731, Page 1051 of the Real Property Records of Travis County, Texas, thence as follows:

South 57°26'11" East, a distance of 37.43 feet, leaving the southeasterly right-of-way line of Harris Branch Parkway, with a southwesterly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and a northeasterly line of the southerly remainder of said 1220.210 acre Austin HB Residential Properties, Ltd. tract, to a 1/2 inch iron rod with cap marked Chaparral found;

South 42°56'52" East, a distance of 72.94 feet, to a 1/2 inch iron rod with cap marked Chaparral found;

South 51°58'02" East, a distance of 51.78 feet, to a 1/2 inch iron rod with cap marked Chaparral found;

South 31°21'24" East, a distance of 63.37 feet, to a 1/2 inch iron rod with cap marked Chaparral found;

South 11°45'07" West, a distance of 120.17 feet, to a 1/2 inch iron rod with cap marked Chaparral found;

South 76°37'40" East, a distance of 109.37 feet, to a 1/2 inch iron rod with cap marked Chaparral found;

South 32°17'33" East, a distance of 192.24 feet, to a calculated point;

South 32°50'00" East, a distance of 38.49 feet, to a calculated point for the Point of Beginning and most westerly corner of the herein described tract of land having Texas State Plane (Texas Central Zone (4203), NAD 83, U. S. Feet, Combined Scale Factor of 0.9999216) values of N=10105471.70, E=3154592.49;

1) THENCE, North 26°37'04" East, a distance of 48.19 feet, leaving a southwesterly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and a northeasterly line of said 1220.210 acre Austin HB Residential Properties, Ltd., tract and crossing said 16.043 acre Harris Branch Master Association, Ltd. tract, to a calculated point for the most northerly corner of the herein described tract of land;

2) THENCE, South 58°04'53" East, a distance of 148.14 feet, to a calculated point for an angle point hereof;

3) THENCE, South 52°41'28" East, a distance of 34.76 feet, to a calculated point in a southerly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and a northerly line of said 1220.210 acre Austin HB Residential Properties, Ltd., tract, for the most easterly corner of the herein described tract of land, from which, a concrete monument found at a corner of said 1220.210 acre Austin HB Residential Properties, Ltd., tract and the most westerly corner of the 26.46 acre tract of land conveyed to Christopher S. Chenault and wife, Sara Sara S. Chenault by deed recorded in Volume 5677, Page 1830 of the Deed Records of Travis County, Texas, bears North 87°06'44" East, a distance of 3.37 feet, South 77°46'39" East, a distance of 75.73 feet, South 57°59'16" East, a distance of 51.12 feet, South 48°15'52" East, a distance of 70.83 feet, South 49°33'46" East, a distance of 83.64 feet, South 46°56'21" East, a distance of 92.70 feet, South 51°24'16" East, a distance of 82.48 feet, South 55°58'08" East, a distance of 91.10 feet, South 50°06'58" East, a distance of 110.78 feet, South 58°20'31" East, a distance of 97.59 feet, South 55°55'50" East, a distance of 33.43 feet, South 54°00'39" East, a distance of 52.16 feet, South 12°15'39" East, a distance of 40.69 feet, South 88°12'35" East, a distance of 45.07 feet, North 87°28'03" East, a distance of 84.57 feet, North 74°32'56" East, a distance of 61.13 feet, North 62°58'41" East, a distance of 7.96 feet, North 52°35'02" East, a distance of 68.79 feet and South 28°10'31" West, a distance of 474.50 feet;

4) THENCE, South 87°06'44" West, a distance of 64.57 feet, with a southerly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and a northerly line of said 1220.210 acre Austin HB Residential Properties, Ltd., tract, to a calculated point for an angle point hereof;

5) THENCE, South 88°51'27" West, a distance of 18.10 feet, to a calculated point for a corner;

6) THENCE, North 58°04'53" West, a distance of 105.83 feet, leaving a southerly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and a northerly line of said 1220.210 acre Austin HB Residential Properties, Ltd., tract and crossing said 16.043 acre Harris Branch Master Association, Ltd. tract, to a calculated point in a southwesterly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and a northeasterly line of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd., tract, for a corner;

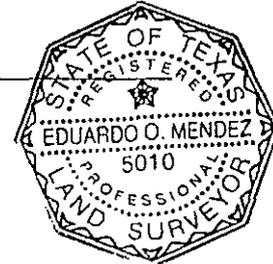
7) THENCE, North 32°50'00" West, a distance of 4.72 feet, with a southwesterly line of said 16.043 acre Harris Branch Master Association, Ltd. tract and a northeasterly line of the remainder of said 1220.210 acre Austin HB Residential Properties, Ltd., tract, to Point of Beginning and containing an area of 0.170 of one acre (7385 s.f.) of land, more or less.

Part 1	0.271 ac (11,823 s.f)
Part 2	0.170 ac (7385 s.f.)
Total	0.441 ac (19,208 s.f.)

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez
Eduardo O. Mendez
Registered Professional Land Surveyor 5010

9/16/10
Date



MWM DesignGroup
305 East Huntland Drive, Suite 200
Austin, Texas, 78752 (512) 453-0767

Bearing Basis: The bearings and coordinates shown are based on Texas State Plane Coordinate System datum, Texas Central Zone (4203), NAD 83 based on Landmark Control Points LS#1-LS#8 provided by Landmark Surveying, Inc. For surface coordinates, divide grid coordinates shown by combined scale factor of 0.9999216.

TCAD No.: 0242410403
CITY GRID No.: Q30

FIELD NOTES REVIEWED

By: Mary Hawkins Date 9/20/10

Engineering Support Section
Department of Public Works
and Transportation

SHEET 5 OF 7
SHEET 6 OF 7



SCALE: 1"=200'

MARIQUITA CASTRO SURVEY NO. 50
ABSTRACT NO. 160

LOT 68B
DRAINAGE EASEMENT AND PRIVATE PARK
COMMON AREA

SPEYSIDE SECTION TWO
DOC. 200100171
OPRTCT

HARRIS BRANCH
MASTER ASSOCIATION, LTD.
(16.043 AC)
DOC. 2006057009
OPRTCT

PART 1
4661.02WE
SEE DETAIL
N59°08'31"E 315.85'
S28°10'31"W 93.77'
N87°49'23"E 3.65'

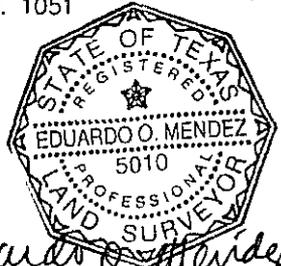
LUCAS MUNOS
SURVEY NO. 55
ABSTRACT NO. 513

CHRISTOPHER S. CHENAULT AND
WIFE, SARA S. CHENAULT
(26.46 AC)
VOL. 5677, PG. 1830
DRCT

4661.02WE
PART 1 0.271 AC (11,823 S.F.)
PART 2 0.170 AC (7,385 S.F.)
TOTAL 0.441 AC (19,208 S.F.)

30' WASTEWATER
EASEMENT
DOC. 2004074345
OPRTCT

AUSTIN HB
RESIDENTIAL PROPERTIES, LTD.,
A TEXAS LIMITED PARTNERSHIP
(1220.210 AC)
VOL. 12731, PG. 1051
RPRCT

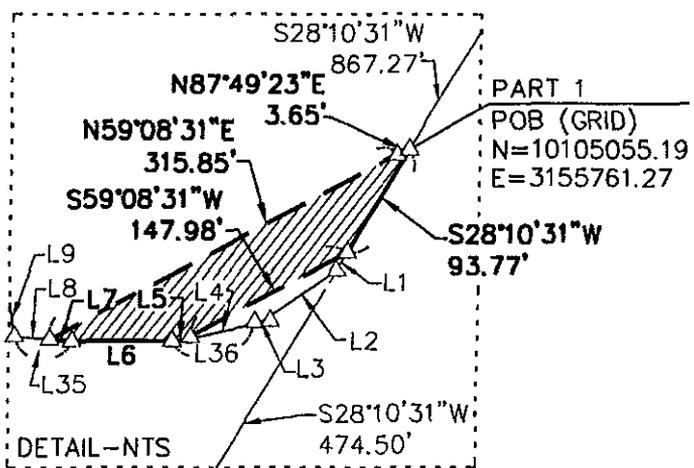


Eduardo O. Mendez
9/16/10

LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- IRFC 1/2" IRON ROD W/CAP FOUND (UNLESS OTHERWISE NOTED)
- 5/8" IRON ROD WITH MWM CAP SET
- CONCRETE MONUMENT FOUND
- () RECORD DATA
- DRCT DEED RECORDS TRAVIS CO, TX
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO, TX
- RPRCT REAL PROPERTY RECORDS TRAVIS CO, TX
- PRCT PLAT RECORDS TRAVIS CO, TX
- ▨ AREA OF EASEMENT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

SEE SHEET 7 OF 7 FOR
LINE/CURVE TABLES



SKETCH TO ACCOMPANY
FIELD NOTES

TRAVIS COUNTY, TEXAS

DATE: 15 SEP 10
JOB NO: 37315A
FILE: 4661.02WE

5
5 OF 7

mwm
Design Group

305 East Huntland Drive
Suite 200
Austin, Texas 78752
p: 512.453.0767
f: 512.453.1734

LEGEND

- △ CALCULATED POINT
- 1/2" IRON ROD FOUND
(UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD W/CAP FOUND
- 5/8" IRON ROD WITH
MWM CAP SET
- () RECORD DATA
- DRTCT DEED RECORDS
TRAVIS CO, TX
- OPRTCT OFFICIAL PUBLIC RECORDS
TRAVIS CO, TX
- RPRCTCT REAL PROPERTY RECORDS
TRAVIS CO, TX
- PRPTCT PLAT RECORDS
TRAVIS CO, TX
- ▨ AREA OF EASEMENT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- SEE SHEET 7 OF 7 FOR
LINE/CURVE TABLES
- AUSTIN HB RESIDENTIAL
PROPERTIES, LTD.,
A TEXAS LIMITED PARTNERSHIP
(1220.210 AC)
VOL. 12731, PG. 1051
RPRCTCT



Eduardo O. Mendez
9/16/10

4661.02WE
PART 1 0.271 AC (11,823 S.F.)
PART 2 0.170 AC (7,385 S.F.)
TOTAL 0.441 AC (19,208 S.F.)

THE BEARINGS AND COORDINATES SHOWN ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM DATUM, TEXAS CENTRAL ZONE (4203), NAD 83 BASED ON LANDMARK CONTROL POINTS LS#1-LS#8 PROVIDED BY LANDMARK SURVEYING, INC. FOR SURFACE COORDINATES, DIVIDE GRID COORDINATES SHOWN BY COMBINED SCALE FACTOR OF 0.9999216.

RECORD DATA:
 COMMITMENT FOR TITLE INSURANCE
 GF NO. ATA-70-02-AT10002925K
 ALAMO TITLE INSURANCE COMPANY
 STONEBRIDGE PLAZA II
 9600 N. MOPAC EXPRESSWAY
 SUITE 125
 AUSTIN, TX 78759-6507



SHEET 5 OF 7
SHEET 6 OF 7



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**SKETCH TO ACCOMPANY
FIELD NOTES**

TRAVIS COUNTY, TEXAS

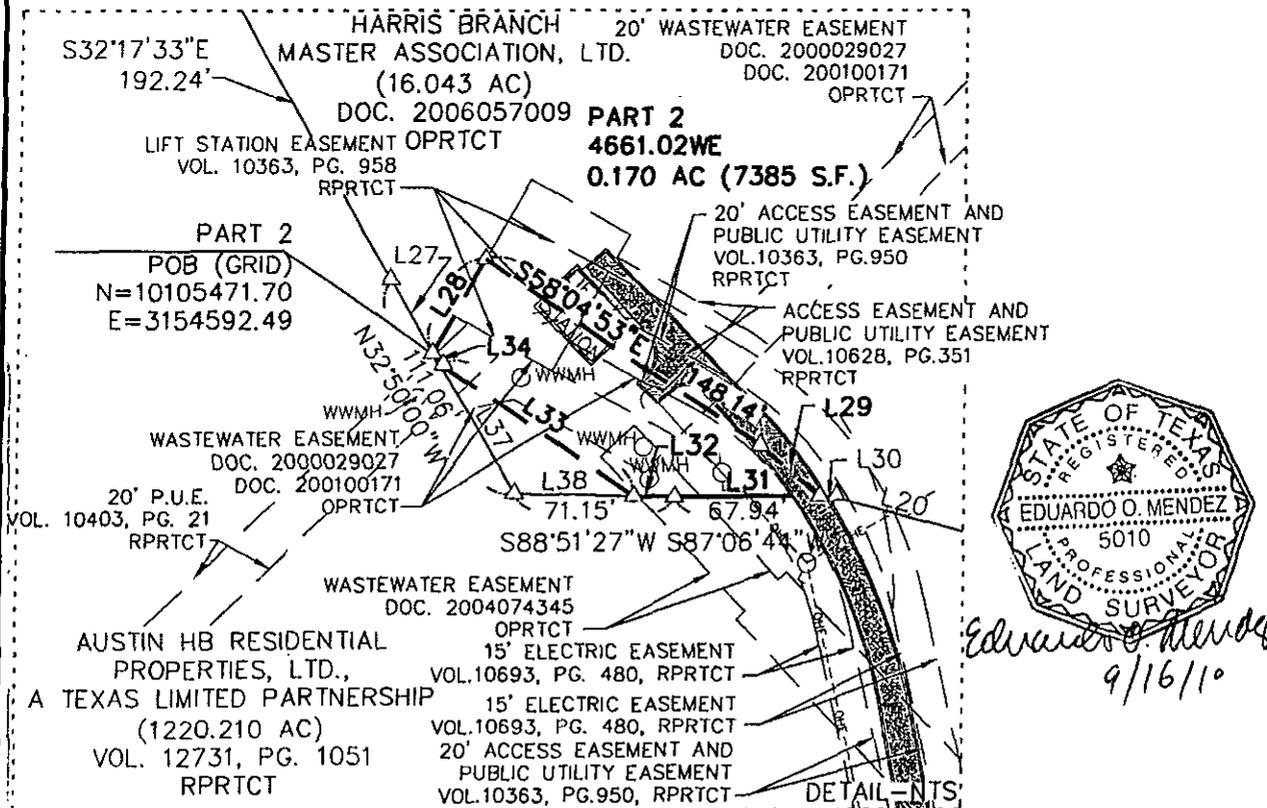
DATE: 16 SEP 10
 JOB NO: 37315A
 FILE: 4661.02WE

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8 OF 7

LINETABLE		
LINE	BEARING	LENGTH
L1	S28°10'31"W	16.56'
L2	S52°35'02"W	68.79'
(L2)	(S52°35'28"W)	(68.81')
L3	S62°58'41"W	7.96'
(L3)	(S62°59'07"W)	(7.96')
L4	S74°32'56"W	59.63'
L5	S74°32'56"W	1.49'
L6	S87°28'03"W	84.57'
(L6)	(S87°28'29"W)	(84.59')
L7	N88°12'35"W	17.57'
L8	N88°12'35"W	27.50'
L9	N12°15'39"W	40.69'
(L9)	(N12°15'13"W)	(40.70')
L10	N54°00'39"W	52.16'
(L10)	(N54°00'13"W)	(52.17')
L11	N55°55'50"W	33.43'
(L11)	(N55°55'24"W)	(33.44')
L12	N58°20'31"W	97.59'
(L12)	(N58°20'05"W)	(97.61')
L13	N50°06'58"W	110.78'
(L13)	(N50°06'32"W)	(110.81')
L14	N55°58'08"W	91.10'
(L14)	(N55°57'42"W)	(91.12')

LINETABLE		
LINE	BEARING	LENGTH
L15	N51°24'16"W	82.48'
(L15)	(N51°23'50"W)	(82.50')
L16	N46°56'21"W	92.70'
(L16)	(N46°55'55"W)	(92.72')
L17	N49°33'46"W	83.64'
(L17)	(N49°33'20"W)	(83.66')
L18	N48°15'52"W	70.83'
(L18)	(N48°15'26"W)	(70.85')
L19	N57°59'16"W	51.12'
(L19)	(N57°58'50"W)	(51.13')
L20	N77°46'39"W	75.73'
(L20)	(N77°46'13"W)	(75.75')
L21	S57°26'11"E	37.43'
(L21)	(N57°20'16"W)	(37.24')
L22	S42°56'52"E	72.94'
(L22)	(N42°58'48"W)	(72.93')
L23	S51°58'02"E	51.78'
(L23)	(N52°02'04"W)	(51.73')
L24	S31°21'24"E	63.37'
(L24)	(N31°18'54"W)	(63.42')
L25	S11°45'07"W	120.17'
(L25)	(N11°43'13"E)	(120.25')

LINE TABLE		
LINE	BEARING	LENGTH
L26	S76°37'40"E	109.37'
(L26)	(N76°40'22"W)	(109.30')
L27	S32°50'00"E	38.49'
L28	N26°37'04"E	48.19'
L29	S52°41'28"E	34.76'
L30	N87°06'44"E	3.37'
L31	S87°06'44"W	64.57'
L32	S88°51'27"W	18.10'
L33	N58°04'53"W	105.83'
L34	N32°50'00"W	4.72'
L35	S88°12'35"E	45.07'
(L35)	(S88°12'09"W)	(45.08')
L36	N74°32'56"E	61.12'
(L36)	(S74°33'22"W)	(61.14')
L37	N32°50'00"W	67.85'
L38	S88°51'27"W	53.05'



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